U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel
800 Independence Ave., SW.
Washington, DC 20591

APR - 7 2015

Mr. David Schober
[redacted]

Re: Manufacturer Training Requirements for the Holder of a Repairman Certificate (Light-Sport Aircraft) with a Maintenance Rating

Dear Mr. Schober:

This letter responds to your March 5, 2013 request for a legal interpretation regarding the maintenance of Special Light-Sport Aircraft (SLSA) under section 21.190 of Title 14, Code of Federal Regulations (14 CFR). In your letter you asked whether a repair made by a mechanic or repairman who has not attended a specific training program identified in the manufacturer's written instructions renders a special airworthiness certificate for the aircraft invalid.

The short answer to your question is no, the special airworthiness certificate remains valid even if a mechanic or repairman has not attended the manufacturer's specified training program. A manufacturer may not impose additional requirements that are not contained in the regulations on mechanics or repairmen. As we detail below, a manufacturer cannot compel a repairman to complete a specific training program in order to perform compliant repairs. Therefore, the aircraft's special airworthiness certificate is not rendered invalid when an appropriately certificated mechanic or repairman performs maintenance on the aircraft without completing a training program specified by the manufacturer in the aircraft's maintenance instructions.

The requirements applicable to the issuance of mechanic and repairman certificates and the general operating rules for holders of those certificates are found in 14 CFR part 65. Section 65.107 sets forth the general privileges and limitations applicable to holders of a repairman certificate (light-sport aircraft) with a maintenance rating. The only training a certificate holder must complete in order to perform maintenance, preventive maintenance, or an alteration on a light-sport aircraft is that training required by paragraph (a)(3)(ii) of § 65.107 for the initial issuance of the certificate. That regulation specifies that to be eligible for a LSA repairman certificate with a maintenance rating, the mechanic or repairman must "[c]omplete a training course acceptable to the FAA on maintaining the particular class of light-sport aircraft for which you intend to exercise the privileges of this rating." All required training under this provision is to be ascribed to a particular class of LSA, not to a particular type of LSA.

The FAA imposes training requirements using notice-and-comment rulemaking. Manufacturers may not impose additional requirements on mechanics or repairmen through their maintenance manuals that are not contained in the regulations. These maintenance manuals are not FAA approved, and the FAA does not enforce these training provisions.

The FAA must interpret FAA Order No. 8130.2G concerning the need to follow a manufacturer's written instructions in the context of its legal obligations. Because the FAA cannot delegate its rulemaking authority or impose requirements without following APA notice-and-comment procedures, we must interpret FAA Order No. 8130.2G narrowly to exclude manufacturer's written instructions and authorizations that would create new requirements for mechanics and repairmen beyond those contained in the regulations. FAA regulations do not impose manufacturer training requirements on mechanics or repairmen. The aircraft's special airworthiness certificate is, therefore, not rendered invalid under § 21.190 when an appropriately certificated mechanic or repairman performs maintenance on the aircraft without completing a training program specified by the manufacturer in the aircraft's maintenance instructions.

The FAA strongly encourages mechanics and repairmen to obtain both initial and recurrent training. Training provided by a manufacturer may provide mechanics and repairmen with a means of obtaining necessary understanding of the methods, techniques, and practices required to properly perform work on an aircraft and its components. A manufacturer may not, however, use a maintenance manual to impose a training requirement on a certificated mechanic or repairman that is not set forth in a regulation.

This response was prepared by Benjamin Borelli, an attorney in the Regulations Division in the Office of the Chief Counsel, and coordinated with the Aircraft Maintenance Division (AFS-300) and the Regulatory Support Division (AFS-600) of the Flight Standards Service. If you have additional questions regarding this matter, please contact us at your convenience at (202) 267-3073.

Sincerely,

Mark W. Bury
Assistant Chief Counsel for Regulations, AGC-200